Pursuant to 28 U.S.C. § 636, the court has reviewed the Petition, records on file, and the Report and Recommendation of the United States Magistrate Judge. The court has engaged in a <u>de novo</u> review of those portions of the Report and Recommendation to which objection has been made. The court accepts the findings and recommendation of the Magistrate Judge. IT IS THEREFORE ORDERED that judgment be entered denying the Petition and dismissing this action with prejudice.

DATED: January 30, 2012

CORMAC J. CARNEY United States District Judge